

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CONGREGATION RABBINICAL COLLEGE OF
TARTIKOV, INC., RABBI MORDECHAI BABAD,
RABBI MEILECH MENCZER, RABBI JACOB
HERSHKOWITZ, and RABBI CHAIM ROSENBERG,

7:20-cv-06158-KMK

Plaintiffs,

-against-

VILLAGE OF POMONA, NY and BOARD OF TRUSTEES OF
THE VILLAGE OF POMONA, NY,

Defendants.
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JOSEPH A. CHURGIN declares as follows, pursuant to 28 U.S.C. §1746:

1. I am a member of Savad Churgin, and I am duly admitted to practice law in the courts of the State of New York and New Jersey and United States District Courts for the Southern and Eastern Districts of New York.

2. I make this Declaration in support of the motion by Plaintiffs Congregation Rabbinical College of Tartikov, Inc. (“Tartikov” or the “Rabbinical College”), Rabbi Mordechai Babad, Rabbi Wolf Brief, Rabbi Hermen Kahana, Rabbi Meir Margulis, Rabbi Meilech Menczer, Rabbi Jacob Hershkowitz, Rabbi Chaim Rosenberg, and Rabbi David A. Menczer (collectively, the “Plaintiffs”) for a preliminary injunction enjoining Defendants Village of Pomona, N.Y. and the Board of Trustees of the Village of Pomona, N.Y. (collectively “Pomona”, the “Village” or “Defendants”) from enforcing certain land use regulations that prohibit them from applying for, constructing and using a rabbinical college on property located within the Village.

3. Attached hereto as **Exhibit 1** is, a true and correct copy of an excerpt of the Village's Zoning Code prior to the passage of Local Law No. 1 of 2001.

4. Attached hereto as **Exhibit 2** is a true and correct copy of the Trial Declaration of Doris Ulman in Southern District of New York Case No. 7:07-CV-6304, dated May 19, 2017.

5. Attached hereto as **Exhibit 3** is a true and correct copy of Defendants' Amended Responses to Certain of Plaintiffs' Interrogatories in Southern District of New York Case No. 7:07-CV-6304, dated December 11, 2013.

6. Attached hereto as **Exhibit 4** is a true and correct copy of Pomona Local Law No. 1 of 2001.

7. Attached hereto as **Exhibit 5** is a true and correct copy of Pomona Local Law No. 5 of 2004.

8. Attached hereto as **Exhibit 6** is a true and correct copy of minutes from the Pomona Planning Board Meeting of December 15, 1999.

9. Attached hereto as **Exhibit 7** is a true and correct copy of Pomona's July, 2004 Village Green newsletter.

10. Attached hereto as **Exhibit 8** is a true and correct copy of a December 3, 2002 Village memorandum and postcard regarding a community rally to protect residents' quality of life.

11. Attached hereto as **Exhibit 9** is a true and correct copy of minutes from the November 25, 2002 Village Board Meeting.

12. Attached hereto as **Exhibit 10** is a true and correct copy of a December 12, 2002 Village Alert regarding residents' quality of life

13. Attached hereto as **Exhibit 11** is a true and correct copy of Pomona's March, 2004 Village Green newsletter.

14. Attached hereto as **Exhibit 12** is a true and correct copy of Defendants' Responses to Plaintiffs' Requests for Admission in Southern District of New York Case No. 7:07-CV-6304, dated April 21, 2014.

15. Attached hereto as **Exhibit 13** is a true and correct copy of a supplement to the deposition of the Village Representative, Doris Ulman, in Southern District of New York Case No. 7:07-CV-6304.

16. Attached hereto as **Exhibit 14** is a true and correct copy of Pomona's brief opposition to Tartikov's motion for attorneys' fees in Southern District of New York Case No. 7:07-CV-6304.

17. Attached hereto as **Exhibit 15** is a true and correct copy of Pomona's sur-reply brief opposition to Tartikov's motion for attorneys' fees in Southern District of New York Case No. 7:07-CV-6304.

18. Attached hereto as **Exhibit 16** is a true and correct copy of Pomona Local Law No. 1 of 2007.

19. Attached hereto as **Exhibit 17** is a true and correct copy of Pomona Local Law No. 5 of 2007.

20. Attached hereto as **Exhibit 18** is a true and correct copy of a transcript of Pomona's Village Board Meeting and public hearings on January 22, 2007.

21. Attached hereto as **Exhibit 19** is a true and correct copy of a 2007 election flyer from Nicholas Sanderson, Rita Louie and Brett Yagel.

22. Attached hereto as **Exhibit 20** is a true and correct copy of transcripts of election videos from Nicholas Sanderson, Rita Louie and Brett Yagel in 2007

23. Attached hereto as **Exhibit 21** is a true and correct copy of a February 1, 2007 Journal News Letter to the Editor by Rita Louie and Brett Yagel.

24. Attached hereto as **Exhibit 22** is a true and correct copy of a February 7, 2020 petition for a text amendment from Tartikov to the Village of Pomona Board of Trustees.

25. Attached hereto as **Exhibit 23** is a true and correct copy of a February 12, 2020 letter from Brian Nugent, Esq. to me that advising that the Pomona Village Board authorized him to communicate and receive further communications regarding Tartikov's February 7, 2020 Petition pursuant to Article XI of the Code.

26. Attached hereto as **Exhibit 24** is a true and correct copy of a February 26, 2020 letter from Brian Nugent, Esq. to me that advised Tartikov that, "[w]ith respect to the February 7, 2020 Petition to the Board of Trustees to repeal Local Law No. 1 of 2001 and Local Law No. 5 of 2004, the Village Board declined to formally consider the proposed amendment."

27. Attached hereto as **Exhibit 25** is a true and correct copy of excerpts of the May 24, 2017 trial transcript from Southern District of New York Case No. 7:07-CV-6304.

28. Attached hereto as **Exhibit 26** is a true and correct copy of the May 20, 2009 hearing transcript from Southern District of New York Case No. 7:07-CV-6304.

29. Attached hereto as **Exhibit 27** is a true and correct copy of the Summons and Complaint in Southern District of New York Case No. 7:07-CV-6304.

30. Attached hereto as **Exhibit 28** is a true and correct copy of Pomona's Reply and Response Brief in Second Circuit Case No. 18-0869.

31. Attached hereto as **Exhibit 29** is a true and correct copy of Pomona Zoning Code Article XI (Amendments), Sections 130-35-130-45.

32. Attached hereto as **Exhibit 30** is a true and correct copy of Tartikov's Petition for a Writ of Certiorari to the United States Supreme Court.

33. Attached hereto as **Exhibit 31** is a true and correct copy of a request to Pomina from the United States Supreme Court to submit a response to Tartikov's Petition for a Writ of Certiorari.

34. Attached hereto as **Exhibit 32** is a true and correct copy of Pomona's Zoning Code.

35. Attached hereto as **Exhibit 33** is a true and correct copy of the Filed Summons and Complaint in this case.

Dated: Nanuet, New York
October 20, 2020


JOSEPH A. CHURGIN